

Chapter 22
CIVIL EMERGENCIES

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ARTICLE I. IN GENERAL

Sec. 22-1. Interjurisdictional emergency management plan adopted.

- (a) The Interjurisdictional Emergency Management Plan, Bexar County and Certain Municipalities, known as "the Plan," is hereby adopted for the city, for use within its jurisdiction and elsewhere by its paid and volunteer personnel in support of the Joint Resolution on Emergency Management Programs executed by the mayor of the city and the county judge.
- (b) The mayor of the city retains responsibility assigned by the Executive Order by the Governor of the State of Texas as the emergency management director of the city, and as such may declare a local state of disaster within the city. The emergency management coordinator of the county shall be designated as the emergency management coordinator by and for the city. The city shall designate a liaison officer to facilitate coordination between the city and the county on emergency management matters, in accordance with V.T.C.A., Government Code § 418.105. Copies of the designation documents shall be provided to the emergency management coordinator.
- (c) Subsection (e) of this section designates the city officials who shall assist the officers of the county responsible for the listed activities under the plan. The city officials shall be listed by position title only, and each official shall become responsible for such assistance on assuming the position for the city. Those city officials are hereby designated by the county as associate managers for their respective activities. This subsection may be revised without affecting this adoption, and revisions will be provided to the emergency management coordinator.
- (d) This adoption may be terminated by the city or by the county with or without cause, upon 60 days' written notice delivered to the other party, and must be renewed when a new plan is prepared by the county. A revised or new annex or appendix to the plan is not a new plan, and such annex or appendix shall be in effect for the city on its receipt by the city.
- (e) Responsible officials of the city are as follows:

| <i>Annex</i> | <i>Title of Responsible City Official</i> |
|-----------------------------------|---|
| (1) Warning | Mayor |
| (2) Communications | Police Chief |
| (3) Shelter and mass care | City Administrator |
| (4) Radiological protection | Fire Chief |
| (5) Evacuation | Police Chief |
| (6) Fire and rescue | Police Chief |
| (7) Law enforcement | Police Chief |
| (8) Health and medical | Police Chief |
| (9) Emergency public information | City Secretary |
| (10) Recovery | Mayor |
| (11) Public works and engineering | City Administrator |
| (12) Utilities | City Administrator |
| (13) Resource management | City Administrator |
| (14) Direction and control | Police Chief |
| (15) Human services | Police Chief |
| (16) Hazard mitigation | Fire Chief |
| (17) Hazardous materials response | Fire Chief |

| <i>Annex</i> | <i>Title of Responsible City Official</i> |
|----------------------------------|---|
| (18) Transportation | Police Chief |
| (19) Donations management | Police Chief |
| (20) Legal | City Attorney |
| (21) Terrorist incident response | Police Chief |

(Ord. No. 202, 6-11-2002)

Secs. 22-2--22-10. Reserved.

ARTICLE II. CITY EMERGENCY MANAGEMENT PROGRAM

Sec. 22-11. Organization.

- (a) There exists the office of emergency management director of the city, which shall be held by the mayor in accordance with state law.
- (b) An emergency management coordinator may be appointed by and serve at the pleasure of the director.
- (c) The director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this article. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.
- (d) The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

(Ord. No. 66, §1, 7-27-1989)

Sec. 22-12. Powers and duties of emergency management director.

The duties and responsibilities of the emergency management director shall include the following:

- (1) Conduct an on-going survey of actual or potential hazards which threaten life and property within the city and an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (2) Supervision of the development and approval of an emergency management plan for the city, and shall recommend for adoption by the city council all mutual aid arrangements deemed necessary for the implementation of such plan.
- (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of the city council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary.

- (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring their contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the city secretary.
- (5) Direction and control of the operations of the emergency management organization as well as the training of emergency management personnel.
- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
- (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (8) Marshaling of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.
- (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county and with other municipalities within the county, for the county-wide coordination of emergency management efforts.
- (10) Supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
- (11) Authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
- (12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
- (13) Other requirements as specified in Texas Disaster Act 1975 (V.T.C.A., Government Code ch. 418).

(Ord. No. 66, §2, 7-27-1989)

Sec. 22-13. Emergency management plan.

A comprehensive emergency management plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this article. As provided by state law, the plan shall follow the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the state division of emergency management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this article and have the effect of law during the time of a disaster. (Ord. No. 66, §3, 7-27-1989)

Sec. 22-14. Interjurisdictional program authorized.

The mayor is hereby authorized to join with the county judge and the mayors of the other cities in said county in the formation of an emergency management council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the city. (Ord. No. 66, §4, 7-27-1989)

Sec. 22-15. Effect of emergency orders and regulations.

At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith. (Ord. No. 66, §5, 7-27-1989)

Sec. 22-16. Liability.

This article is an exercise by the city of its governmental functions for the protection of the public peace, health, and safety and neither the city, the agents and representatives of the city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this article, shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss or, or damage to, the property of such person. (Ord. No. 66, §6, 7-27-1989)

Sec. 22-17. Commitment of funds.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this article without prior approval by the city council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval of the city council unless during a declared disaster. During a declared disaster, the mayor may only expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, or property as outlined in the financial annex of the emergency management plan. (Ord. No. 66, §7, 7-27-1989)

Sec. 22-18. Offenses; penalties.

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.

- (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city, unless authority to do so has been granted to such person by the proper officials.
- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.
- (d) Convictions for violations of the provisions of this article shall be punishable by fine not less than \$25.00 nor more than \$2,000.00.

(Ord. No. 66, §8, 7-27-1989)

Sec. 22-19. Conflicts with state, federal or military regulations.

This article shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation. (Ord. No. 66, §10, 7-27-1989)

Chapters 23 - 25. Reserved.